HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

WRIT PETITION NO. 11199 OF 2024 (GM-CPC)

BETWEEN:

1. SRI AJAY BALAKRISHNAN
S/O DR. K. BALAKRISHNAN
AGED ABOUT 53 YEARS.

2. SMT. SIJU AJAY
W/O SRI AJAY BALAKRISHNAN
AGED ABOUT 47 YEARS.

BOTH RESIDENTS OF
F 201, TOWER 2
ADARSH PALM RETREAT
BELLANDURU
BANGALORE - 560 103.

REPRESENTED THROUGH THEIR
POWER OF ATTORNEY HOLDER
MRS. SITA V IJAYAN
W/O RAKESH RAVINDRANATH
AGED ABOUT 45 YEARS
RESIDING AT AA 1501
GREENAGE APARTMENTS
HOSUR MAIN ROAD
BOMMANAHALLI
BANGALORE - 560 068.

...PETITIONERS

(BY SMT. RACHANA BHARADHWAJ R, ADV.)

AND:

1. T. SHARADAMMA
W/O MR MUDDURANGA SWAMY
AGED ABOUT 60 YEARS
R/A NO.124, LIG, 7TH MAIN
K H B COLONY
BASAVESHWARANAGAR

Digitally signed by NANDINI M S
Location: HIGH COURT OF KARNATAKA

BANGALORE - 560 071.

2. SMT. Y. RAMALAKSHMI
W/O DR. Y. MALLESHAPPA
AGED ABOUT 64 YEARS
R/A NO.5/73, VENKATESHWARA
COLONY, SAROORNAGAR
HYDERABAD - 500 035.

3. ANTHONY RAJU
S/O CHOWRIYAPPA
AGED ABOUT 34 YEARS
R/A NO.9, 2ND CROSS
2ND MAIN, AZADNAGAR
MYSORE ROAD
BANGALORE - 560 026.

4. ANJUSWAMY YADAV
D/O LATE M D MUDDRANGASWAMY
AGED ABOUT 30 YEARS
NO.124, LIG, 7TH MAIN
K H B COLONY
BASAVESHWARANAGAR
BANGALORE - 560 071.

…RESPONDENTS

(BY SRI SKANDA ARUN KUMAR, ADV., FOR
SRI NISHAN G.K, ADV., FOR R-4)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO THE ORDER DATED 7.7.23 IN MISC. NO. 79/2019 (ANNEXURE-A) AND CALL FOR RECORDS PERTAINING TO JUDGEMENT DATED 16.11.2017 AND DECREE DATED 7.3.2018 IN OS NO. 7418/2013 ON THE FILE OF THE LEARNED CITY CIVIL JUDGE, BENGALURU.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Learned counsel for the petitioners has filed a memo to permit the petitioners to convert this writ petition into a Civil Revision petition under Section 115 of CPC and in support of her contention that writ petition may be converted into a Civil Revision Petition, she has placed reliance on the judgment of the Hon'ble Supreme Court in case of ***Raj Shri Agarwal alias Ram Shri Agarwal and Another vs. Sudheer Mohan and Others - 2022 SCC OnLine SC 1775***.

2. Though a writ petition can be permitted to be converted into a Civil Revision Petition, in the event it is found that there was a delay in filing the writ petition, then the petitioners need to explain the said delay by filing a separate application to condone the delay in Civil Revision Petition, because period of limitation is statutorily provided for filing the Civil Revision Petition whereas there is no such fixed period of limitation to file a writ petition. Under the circumstances, the prayer made by the petitioners in the memo to permit the petitioners to convert this writ petition into Civil Revision Petition is granted

subject to limitation. The delay if any, shall be explained by filing a separate application in the Civil Revision Petition.

3. For statistical purposes, this writ petition stands disposed off.

4. Interim order granted earlier is extended till the next date of hearing.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

DN
List No.: 1 Sl No.: 5